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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/502,530

02/07/2005

David Brian Edwards

0247.71173

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EXAMINER

EVANS, GEOFFREY S

ART UNIT

PAPER NUMBER

3742

MAIL DATE

DELIVERY MODE

05/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/502,530 | Applicant(s) EDWARDS ET AL. | |
| | Examiner Geoffrey S. Evans | Art Unit 3742 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3,5,6,7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in GB 2,362,868 in view of Andrews et al. in U.S. Patent No. 6,229,114 and Fry in U.S. Patent No. 3,629,546. Edwards discloses cutting a stack of films(see last two lines of page 2) (including PVOH) in the form of a web comprising a plurality of filled and sealed compartments (by sealing station 16). Edwards however uses a die cutting process instead of laser cutting to cut the stack of films. Andrews et al. teaches that laser cutting can cut with precision and with no mechanical distortion as compared to die cutting (e.g. see column 12, lines 46-53). Fry teaches laser cutting through plastic. It would have been obvious to adapt Edwards in view of Andrews et al. and Fry

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to provide laser cutting of the PVOH film to cut with more precision and no mechanical distortion. Regarding claim 3, Edwards discloses cutting after two films are sealed (i.e. laminated) at station 16. Regarding claim 5, see column 2, lines 20-26 which disclose the thickness of the walls is on the order of microns and a film of 75 microns.

Determining the most desirable thickness would be obvious as a mere optimization of the desired thickness for this purpose of storing liquid in the absence of evidence of unexpected results. Regarding claim 6, Edwards discloses producing a base web water soluble film containing a plurality of pockets, filling each pocket with a composition, sealing the pockets with a top water soluble film of PVOH to produce closed containers, and separating at least one container by cutting using a die cutting process. Andrews et al. teach that laser cutting can cut with precision and with no mechanical distortion as contrasted with die cutting (see column 12, lines 46-53). Fry in U.S. Patent No. 3,629,546 teaches laser cutting through plastic. It would have been obvious to adapt Edwards in view of Andrews et al. and Fry et al. to provide this to cut the PVOH films to separate the containers with more precision and no mechanical distortion. Regarding claims 7-13, see page 2, lines 14-27 of Edwards in GB 2,362,868.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in GB 2,362,868 in view of Andrews et al. (114) and Fry in U.S. Patent No. 3,629,546 as applied to claim 1 above, and further in view of Chow et al. in U.S. Patent Application Publication No. 2002/0068668. Chow et al. teaches using a laser to score (perforate) a pattern on an easy open, easy tear package to open the package. It would have been obvious to adapt Edwards in view of Andrews et al., Fry (546) and Chow et al. to

provide this to easily tear open the package or separate the package from other packages.

5. Fry in U.S. Patent No. 3,626,143 scores a thermoplastic substrate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S. Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 7:00AM to 3:30 PM (flexible). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571)-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey S Evans/

Primary Examiner, Art Unit 3742